

Docket No.: KNAUFF-5
Serial No.: 10/756,835

REMARKS

The last Office Action of November 30, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-15 are pending in the application. Claim 11 has been withdrawn from further consideration. Claims 1-10, 12-14 have been amended. Claim 11, although being withdrawn, has also been amended for reasons of consistency. Claim 15 has been canceled. Claim 16 has been added. No amendment to the specification has been made. No fee is due.

It is noted that claims 4-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 7, 9, 10, 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Appl. Publ. No. 2002/0084710 to Worley et al..

Claims 1, 2, 4-6, 10, and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,104,115 to Offriniga et al..

Claims 1-3, and 13-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Appl. Publ. No. 2003/00890167 to Kajiura et al.. It is noted that this rejection has been treated by applicant under 35 U.S.C. §102(e), rather than §102(b), as the publication of this reference is less than one year as of the filing date of the instant application.

It is noted with appreciation that claim 8 is indicated allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. §112 and to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer rewriting of this dependent claim in independent form in view of the arguments presented below regarding amended claims 1 and 13.

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REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claims 4, 5, 7, 8, as suggested by the Examiner, to address the §112 rejection. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection of the claims 4-9 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b) and (e)

Applicant has amended claims 1 and 13 to clearly distinguish the present invention from the applied prior art. More specifically, applicant has amended claims 1 and 13 by incorporating the subject matter of original claim 15 and by setting forth the modular character of the rotor configuration. Support for the reference to "module" in claims 1 and 13 can be found, for example, in paragraph [0007], and for the attachment of the module to a circumferential portion of the shaft can be found in paragraph [0007] and in Fig. 5. Claim 15 has been canceled. Claim 16 has been added to set forth a particular configuration of attachment between the module and the shaft. Support therefore can be found in paragraph [0026] of the instant specification. As a result of the modular configuration, a rotor can be constructed to suit different shaft diameters.

The Worley reference, which has not been asserted against original claim 15, discloses a self-starting permanent magnet motor which requires supply of alternating current voltage directly from the power mains. Thus, application of such a motor for machine tools, as referred to in claims 1 and 13 is not possible. In addition, Worley lacks the modular configuration of the permanent magnet structure for attachment to a circumferential portion of the rotor shaft.

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The Offringa reference, which has also not been asserted against original claim 15, also lacks the disclosure of a modular configuration of the permanent magnet structure for attachment to a circumferential portion of the rotor shaft, but merely describes a cylindrical or ring-shaped configuration.

The Kajiura reference also lacks the disclosure of a modular configuration of a permanent magnet structure and the disclosure of an attachment of a permanent magnet structure to a circumferential portion of the rotor shaft only.

For the reasons set forth above, it is applicant's contention that neither Worley nor Offringa, nor Kajiura, nor any combination thereof teaches or suggests the features of the present invention, as recited in claims 1 and 13.

As for the rejection of the retained dependent claims, these claims depend on claims 1 and 13, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §102(b) and (e) and allowance of claims 1-10, 12-14 and 16 are thus respectfully requested.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the

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Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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